

EXPRESS MAIL LABEL NO. EL740534444US

PATENT APPLICATION  
Docket No. 2409.3273.3US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Geoffrey S. Martin et al.	)	
		)	
For:	MULTIPLE LUMEN CATHETER	)	
		)	
Continuation Application of:		)	
		)	
Serial No.:	139,705	)	Group Art Unit
		)	3262
Filing Date:	August 25, 1998	)	
		)	
Prior Examiner:	Ronald K. Stright, Jr.	)	

ASSOCIATE POWER OF ATTORNEY

Box: PATENT APPLICATION  
Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D. C. 20231

Sir:

Please recognize the following individuals as associate attorneys or agents for me in relation  
to the above-entitled application:

Kenneth B. Ludwig	Registration No. 42,814
Paul C. Oestreich	Registration No. 44,983
Devin R. Jensen	Registration No. 44,805
Samuel E. Webb	Registration No. 44,394
David L. Stott	Registration No. 43,937
Krista Weber-Powell	Registration No. 47,867
Bradley B. Jensen	Registration No. 46,801
Jarett K. Abramson	Registration No. 47,376

Please address all future written and telephonic communications to:

Kent S. Burningham, Esq.  
TRASKBRITT  
230 South 500 East, Suite 300  
Salt Lake City, Utah 84102 USA  
Telephone: (801) 532-1922  
Toll Free: (800) 900-2001  
Facsimile: (801) 531-9168

DATED this 27<sup>th</sup> day of March, 2001.

Respectfully submitted,



KENT S. BURNINGHAM  
Attorney for Applicants  
Registration No. 30,453

TRASKBRITT  
230 South 500 East, Suite 300  
Salt Lake City, Utah 84102 USA  
Telephone: (801) 532-1922  
Toll Free: (800) 900-2001  
Facsimile: (801) 531-9168

KSB/jml

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Docket: 2409.3273.3US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	
	)	
Geoffrey S. Martin	)	
	)	
For: MULTIPLE LUMEN CATHETER	)	Art Unit
	)	3306
Serial No.: 08/481,169	)	
	)	
Filed: June 7, 1995	)	
	)	
Examiner: Ronald K. Stright, Jr.	)	

SUBSTITUTE POWER OF ATTORNEY

The Honorable Commissioner of Patents  
and Trademarks  
Washington, D. C. 20231

Sir:

I, Jonathan E. Last, hereby declare as follows:

1. That I am the Managing Director of VAS-CATH INCORPORATED and am authorized to make the representation and take the actions set forth below in this document.

2. That the above-captioned United States Patent Application Serial No. 08/481,169 filed June 7, 1995 (hereinafter "the Present Application"), is a continuation of United States Patent Application Serial No. 08/205,331 (hereinafter "the Parent Application") that was filed on March 3, 1994, and that matured into United States Patent No. 5,472,417 (hereinafter "the '417 Patent") to which the Present Application claims priority under 35 U.S.C. § 120.

3. That the Parent Application is a continuation of the now abandoned United States Patent Application Serial No. 07/785,351 (hereinafter "the Grandparent Application") that was filed on October 30, 1991, and to which the Present Application also claims priority under 35 U.S.C. § 120.

4. That the Grandparent Application is a continuation of United States Patent Application Serial No. 07/288,364 (hereinafter "the Great-Grandparent Application") that was filed on December 22, 1988, and that matured into United States Patent No. 5,195,962 (hereinafter "the '962 Patent") to which the Present Application also claims priority under 35 U.S.C. § 120.

5. That a related United States Patent Application Serial No. 07/699,421 (hereinafter "the '421 Application") filed on August 4, 1992, is a divisional of the Great-Grandparent Application; and that the '421 Application matured into United States Patent No. 5,135,599 (hereinafter "the '599 Patent") to which the Present Application also claims priority under 35 U.S.C. § 120.

6. That VAS-CATH INCORPORATED is the owner of all right, title and interest in the '962 Patent by the cumulative action of the following documents that were executed and recorded in the United States Patent and Trademark Office relative to the Great-Grandparent Application:

- a. the Assignment attached herewith as Exhibit A that was recorded in the United States Patent Office on February 21, 1989, at Reel 5256, Frames 304-305; and
  - b. the Assignment attached herewith as Exhibit B that was recorded in the United States Patent and Trademark Office on May 24, 1990, at Reel 5311, Frames 979-982; and
- that the above-described ownership of the '962 Patent was recently verified by a title report secured from the United States Patent and Trademark Office, a copy of which is attached as Exhibit C.

7. That VAS-CATH INCORPORATED is the owner of all right, title and interest in the '599 Patent by the cumulative action of the documents attached herewith as Exhibits A and B and discussed above in Paragraph No. 6; and that the above-described ownership of the '599 Patent was recently verified by a title report secured from the United States Patent and Trademark Office, a copy of which title report is attached as Exhibit D.

8. That VAS-CATH INCORPORATED is the owner of all right, title and interest in the '417 Patent by the cumulative action of the documents attached herewith as Exhibits A and B and discussed above in Paragraph No. 6; and that the above-described ownership of the '417 Patent was recently verified by a title report secured from the United States Patent and Trademark Office, a copy of which is attached as Exhibit E.

9. That in light of the facts averred above in Paragraph Nos. 1-8, VAS-CATH INCORPORATED is the owner of all right, title, and interest in the Present Application.

10. That the documents at Exhibits A-E have been reviewed by me; and that to the best of my knowledge the documents at Exhibits A-E accurately reflect the rights of VAS-CATH INCORPORATED in the Present Application.

11. That VAS-CATH INCORPORATED hereby revokes all powers of attorney previously given relative to the Present Application.

12. That VAS-CATH INCORPORATED hereby appoints as the attorneys or agents thereof with full power of substitution and revocation to transact all business in the United States Patent and Trademark Office connected with the Present Application the following attorneys or

agents of the law firm of TRASK, BRITT & ROSSA, 525 South 300 East, Salt Lake City,  
Utah 84111 USA:

David V. Trask	Reg. No. 22,012
William S. Britt	Reg. No. 20,969
Thomas J. Rossa	Reg. No. 26,799
Laurence B. Bond	Reg. No. 30,549
Joseph A. Walkowski	Reg. No. 28,765
James R. Duzan	Reg. No. 28,393
Allen C. Turner	Reg. No. 33,041
Kent S. Burningham	Reg. No. 30,453
Julie K. Morriss	Reg. No. 33,263
Robert G. Winkle	Reg. No. 37,474
Patrick McBride	Reg. No. 39,295
Edgar R. Cataxinos	Reg. No. 39,931
Keith Hargrove	Reg. No. 34,836

13. That all correspondence and telephonic communications relative to the Present  
Application should hereafter should be directed to:

Kent S. Burningham, Esq.  
TRASK, BRITT & ROSSA  
525 South 300 East  
Salt Lake City, Utah 84111 USA  
Telephone: (801) 532-1922  
Toll Free: (800) 900-2001  
Facsimile: (801) 531-9168


14. All statements made herein of my own knowledge are true, and all statements made  
on information and belief are believed to be true; and further, these statements are made with the  
knowledge that willful, false statements, and the like so made, are punishable by fine or imprisonment,

or both, under Section 1001, Title 18 of the United States Code, and such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed at Mississauga, Ontario, Canada, this 17th day of ~~June~~<sup>July</sup>, 1997.

VAS-CATH INCORPORATED

By:

  
\_\_\_\_\_  
Jonathan E. Last  
Managing Director

N:\KSB\3273 1.sub poa

A S S I G N M E N T

WHEREAS WE, GEOFFREY S. MARTIN of 159 Donnelly Drive, Mississauga, Ontario, Canada L5G 2M3 and MICHAEL R. LEBLANC of 2190 Utley Road, Mississauga, Ontario, Canada L5J 1X1 are joint inventors of an invention entitled

## TRIPLE LUMEN CATHETER

which is described in United States Patent Application Serial No. 07/288,364 filed December 22, 1988.

AND WHEREAS the invention was made by us, the said inventors during the course of our employment with VAS-CATH INCORPORATED, whose full post office address is 2380 Tedlo Street, Mississauga, Ontario, Canada L5A 3V3.

NOW THEREFORE to all whom it may concern, be it known that for and in consideration of the sum of one dollar (\$1.00) to us in hand paid by VAS-CATH INCORPORATED, and other good and valuable consideration the receipt of which is hereby acknowledged, we the said inventors hereby confirm that we have sold, assigned and transferred, and do hereby sell, assign and transfer to the said VAS-CATH INCORPORATED its successors and assigns the whole right, title and interest for Canada, the United States of America and all other countries in and to the said invention and in and to the said application and all Letters Patent that may be obtained therefor in Canada, the United States of America and all other countries.

WE hereby authorize and request the Commissioner of Patents to issue said Letters Patent to said VAS-CATH INCORPORATED the assignee of the entire right, title and

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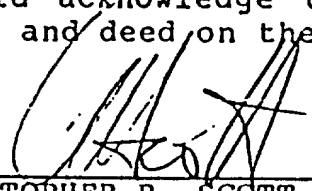
REF 5256 PAGE 305

interest in and to the same, for its sole use and benefit, and for the use and benefit of its successors and assigns, to the full end of the term for which Letters Patent may be granted, as fully and entirely as the same would have been held by us had this assignment and sale not been made.

SIGNED at Mississauga this 21st day of February, 1989.

  
GEOFFREY S. MARTIN

I HEREBY certify that before me personally appeared GEOFFREY S. MARTIN to me known and known to me to be the individual described in the foregoing instrument, and that he, in my presence, executed this instrument and who by me being sworn did acknowledge that he executed this instrument as his free act and deed on the day and year aforesaid.

  
CHRISTOPHER R. SCOTT  
Notary Public

CHRISTOPHER ROBERT SCOTT  
NOTARY PUBLIC PROVINCE OF ONTARIO  
LIMITED TO THE REGISTRATION OF INSTRUMENTS  
AND THE TAKING OF AFFIDAVITS FOR  
FOOTERS & SCOTT  
PATENT AND TRADE MARK AGENTS  
EXPIRED DECEMBER 3, 1989.

SIGNED at Mississauga this \_\_\_\_\_ day of \_\_\_\_\_, 1989.

\_\_\_\_\_  
MICHAEL R. LEBLANC

I HEREBY certify that before me personally appeared GEOFFREY S. MARTIN to me known and known to me to be the individual described in the foregoing instrument, and that he, in my presence, executed this instrument and who by me being sworn did acknowledge that he executed this instrument as his free act and deed on the day and year aforesaid.

\_\_\_\_\_  
CHRISTOPHER R. SCOTT  
Notary Public

RECORDED  
PATENT & TRADEMARK OFFICE

FEB 21 90



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: :  
MARTIN ET AL. :  
Serial No. 07/288,364 : Group Art Unit  
Filed: December 22, 1988 : Examiner: A. Mayer  
For: TRIPLE LUMEN CATHETER : Date: May 22, 1989  
X

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

ASSIGNMENT FOR RECORDING

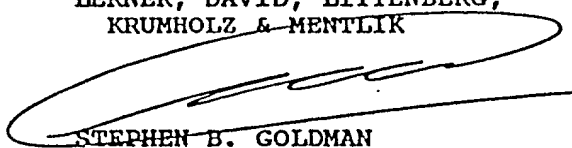
Enclosed herewith is an original assignment of the  
above-identified patent application from Geoffrey S. Martin and  
Michael R. LeBlanc to Vas-Cath Incorporated.

Kindly record the Assignment, returning the duly  
recorded assignment to our office at the address below.

Enclosed is our check in the amount of \$8.00 to cover  
the Assignment recording fee. If there are any fees due and  
owing in connection with this matter, please charge same to  
Deposit Account No. 12-1095.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK

  
STEPHEN B. GOLDMAN  
Reg. No. 28,512

600 South Avenue West  
Westfield, NJ 07090  
(201) 654-5000

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RECEIVED  
90 MAY 31 AM 8:24  
ASSIGNMENT BRANCH

RECEIVED  
MAY 31 1990

C-80  
09/15/87  
Ref: 7 FAM 834.3(a)

Canada )  
Province of Ontario )  
City of Toronto )  
Consulate General of the )  
United States of America )

SS: CERTIFICATE OF AUTHENTICATION  
(Notary Public)

I, the undersigned, \_\_\_\_\_ Consul of the United States of  
America at Toronto, Ontario, Canada, duly commissioned and qualified,  
do hereby certify that

CHRISTOPHER ROBERT SCOTT

whose name is subscribed to the annexed document, was at the time of  
subscribing the same a Notary Public of the Province of Ontario,  
Canada.

For the contents of the annexed document, I assume no  
responsibility.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal  
of the Consulate General of the United States of America at Toronto,  
Canada, this 17th day of OCTOBER 1989.

(SEAL)

Ronald S. Robinson  
Consul of the United States  
of America

RONALD S. ROBINSON

REL 5311 FAK 980

A S S I G N M E N T

WHEREAS WE, GEOFFREY S. MARTIN and MICHAEL R. LEBLANC, whose full postal addresses are respectively 159 Donnelly Drive, Mississauga, Ontario, Canada L5G 2M3 and 2190 Utley Road, Mississauga, Ontario, Canada L5J 1X1 contributed as joint inventors to an invention entitled

TRIPLE LUMEN CATHETER

which is described in United States Patent Application Serial No. 07/288,364 filed December 22, 1988 naming us as inventors.

AND WHEREAS the invention was made by us, the said inventors during the course of our employment with Vas-Cath Incorporated, 2380 Tedlo Street, Mississauga, Ontario, Canada, L5A 3V3.

NOW THEREFORE to all whom it may concern, be it known that for and in consideration of the sum of one dollar (\$1.00) to us in hand paid by VAS-CATH INCORPORATED, and other good and valuable consideration the receipt of which is hereby acknowledged, we the said inventors hereby confirm that we have sold, assigned and transferred, and do hereby sell, assign and transfer to the said VAS-CATH INCORPORATED its successors and assigns the whole right, title and interest for Canada, the United States of America and all other countries in and to the said invention and in and to the said application and all Letters Patent that may be obtained therefor in Canada, the United States of America and all other countries.

WE hereby authorize and request the Commissioner of

JAN 53 1 1 PM '98

Patents to issue said Letters Patent to said VAS-CATH INCORPORATED the assignee of the entire right, title and interest in and to the same, for its sole use and benefit, and for the use and benefit of its successors and assigns, to the full end of the term for which Letters Patent may be granted, as fully and entirely as the same would have been held by us had this assignment and sale not been made.

SIGNED at MISSISSAUGA, Ontario, Canada this 6  
day of OCT., 1989.

  
GEOFFREY S. MARTIN

I HEREBY certify that before me personally appeared GEOFFREY S. MARTIN to me known and known to me to be the individual described in the foregoing instrument, and that he, in my presence, executed this instrument and who by me being sworn did acknowledge that he executed this instrument as his free act and deed on the day and year aforesaid.

  
Notary Public

RECORDED  
PATENT AND TRADEMARK  
OFFICE

CHRISTOPHER ROBERT SCOTT  
NOTARY PUBLIC PROVINCE OF ONTARIO  
LIMITED TO THE ATTESTATION OF INSTRUMENTS  
AND THE TAKING OF AFFIDAVITS FOR  
ROGERS & SCOTT  
PATENT AND TRADE MARK AGENTS  
EXPIRES DECEMBER 3, 1989.

MAY 24 1990

SIGNED at MISSISSAUGA, Ontario, Canada this 4<sup>th</sup>  
day of OCTOBER, 1989.

  
MICHAEL R. LEBLANC

I HEREBY certify that before me personally appeared MICHAEL R. LEBLANC to me known and known to me to be the individual described in the foregoing instrument, and that he, in my presence, executed this instrument and who by me being sworn did acknowledge that he executed this instrument as his free act and deed on the day and year aforesaid.

  
Notary Public

CHRISTOPHER ROBERT SCOTT  
NOTARY PUBLIC PROVINCE OF ONTARIO  
LIMITED TO THE ATTESTATION OF INSTRUMENTS  
AND THE TAKING OF AFFIDAVITS FOR  
ROGERS & SCOTT  
PATENT AND TRADE MARK AGENTS  
EXPIRES DECEMBER 3, 1989.

REEL 5311 PAGE 982

JUN 18 1987

PAGE: 1

PATENT NUMBER: 5195962 ✓  
SERIAL NUMBER: 07/288364  
RELATED PATENT NUMBERS: 5135599 5472417  
TITLE: TRIPLE LUMEN CATHETER  
APPLICANT: MARTIN, GEOFFREY S. ; LEBLANC, MICHAEL R.

REEL: 5256 FRAME: 0304 DATE RECORDED: 02/21/89 NUMBER OF PAGES: 002  
ASSIGNOR: MARTIN, GEOFFREY S.

EXC DATE: 02/21/89

ASSIGNEE: VAS-CATH INCORPORATED, 2380 TEDLO STREET, MISSISSAUGA, ONTARIO,  
CANADA L5A 3V3

BRIEF: ASSIGNMENT OF ASSIGNORS INTEREST.

RETURN ADDRESS: ROGERS & SCOTT  
STE 201, 277 LAKESHORE RD. E.  
OAKVILLE, ONTARIO CANADA L6J 6J3

PRESS XMIT FOR NEXT PAGE OR FOR A SPECIFIC PAGE  
ENTER PAGE NUMBER (2 DIGITS MAX.), PRESS XMIT

06/16/97 17:20  
PAGE: 2

REEL: 5311 FRAME: 0979 DATE RECORDED: 05/24/90 NUMBER OF PAGES: 004  
ASSIGNOR: MARTIN, GEOFFREY S.

EXC DATE: 10/06/89

LEBLANC, MICHAEL R.

EXC DATE: 10/04/89

ASSIGNEE: VAS-CATH INCORPORATED, 2380 TEDLO STREET, MISSISSAUGA, ONTARIO,  
CANADA, L5A 3V3

BRIEF: ASSIGNMENT OF ASSIGNORS INTEREST.

RETURN ADDRESS: LERNER, DAVID, LITTENBERG,  
KRUMHOLE & MENTLIK  
600 SOUTH AVE. WEST  
WESTFIELD, N.J. 07090

NO MORE INFORMATION FOR THIS PATENT NUMBER 06/16/97 17:20

\*\*\* LAST PAGE \*\*\* ENTER PAGE NUMBER (2 DIGITS MAX.)  
AND PRESS XMIT TO GO BACK TO DESIRED PAGE

06/16/97 17:20

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled MULTIPLE LUMEN CATHETER, the specification of which is attached hereto unless the following box is checked:

☒ was filed on June 7, 1995 as United States Application Number or PCT International Application Number 08/481,169 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)	Priority Claimed
<u>555076</u> <u>Canada</u> <u>12/22/87</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(Number) (Country) (Day/Month/Year Filed)	
_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Number) (Country) (Day/Month/Year Filed)	

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below.

_____	_____
(Application Number)	(Filing Date)
_____	_____
(Application Number)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

<u>08/205331</u>	<u>Mar 3, 1994</u>	<u>Issued</u>	<u>Pat. No. 5472417</u>
(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)	
<u>07/785351</u>	<u>Oct 30, 1991</u>	<u>Abandoned</u>	
(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)	
<u>07/288364</u>	<u>Dec 22, 1988</u>	<u>Issued</u>	<u>Pat No. 5195962</u>

I hereby appoint the following attorney(s) and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Christopher R. Scott, Registration No. 26,058  
Ingrid E. Schmidt, Registration No. 33,344  
Robert F. Delbridge, Registration No. 24,969

Address all calls to Christopher R. Scott at telephone number (905) 842-6690.

Address all correspondence to ROGERS & SCOTT, 214 Randall Street, Oakville, Ontario, Canada L6J 1P7.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name) GEOFFREY S. MARTIN

Inventor's signature  Date November 30, 1995

Residence Mississauga, Ontario, Canada Citizenship Canadian

Post Office Address 1721 Blythe Road,

Mississauga, Ontario, Canada L5H 2C3

Full name of second joint inventor, (given name, family name) Michael R. LEBLANC

Second inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Mississauga, Ontario, Canada Citizenship Canadian

Post Office Address 2190 Utley Road, Mississauga, Ontario, Canada L5J 1X1

Full name of third joint inventor, (given name, family name) \_\_\_\_\_

Third inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_

Post Office Address \_\_\_\_\_

☐ Additional inventors are being named on separately numbered sheets attached hereto.



ROGERS & SCOTT  
214 Randall Street  
Oakville, Ontario  
Canada L6J 1P7  
905-842-6690

BOX NO.: Missing Parts

PATENTS

Applicant: Geoffrey S. Martin

Serial No.: 08/481169

Filed: June 7, 1995

Title: Multiple Lumen Catheter

Our Ref: 3200-3074-C-US

Date: November 29, 1995

DECLARATION UNDER  
37 CFR 1.47(a)

The Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231  
U.S.A.

Dear Sir:

I, Christopher R. Scott, of 133 Shanley Terrace, Oakville, Ontario, Canada,  
do hereby declare as follows.

1. I am a Registered Canadian Patent Agent and I am also registered to prosecute patent applications in the United States Patent Office. My registration number is 26,058.
2. I was the Attorney of Record in United States Patent Application Serial No. 07/288364 filed on December 22, 1988 and now U.S. Patent Serial No. 5,195,962.
3. Application No. 07/288364 named joint inventors, namely Geoffrey S. Martin and Michael R. LeBlanc. At the time the invention was made Mr. Martin was a principal of Vas-Cath Incorporated and Mr. LeBlanc was an employee. By the time the application was prepared, Mr. LeBlanc had left the employment with Vas-Cath

Incorporated.

4. There was some difficulty in obtaining Mr. LeBlanc's signature on the aforementioned application due to a disagreement between him and Vas-Cath Incorporated. At no time was the inventorship stated in the application questioned. A record of the difficulties was made in the papers of Application No. 07/288364.

5. Mr. LeBlanc subsequently agreed to add his signature to the Combined Declaration and Power of Attorney and I attended at his home to complete the precess and he added his signature.

6. Since Application Serial No. 07/288364 was filed, three continuation applications have been prepared and filed by me and based entirely on Application Serial No. 07/288364. These continuation applications were prepared and filed as follows:

37 CFR 1.60	07/699,421	May 13, 1991	US Pat. 5,135,599
37 CFR 1.60	07/785,351	Oct. 30, 1991	Abandoned
37 CFR 1.62	08/205,331	Mar. 3, 1994	US Pat. 5,472,417

7. At the time Mr. LeBlanc signed the aforementioned Combined Declaration and Power of Attorney in Application Serial No. 07/288364 he also executed an assignment of the invention for the United States. This assignment was recorded on Reel 5311, Frames 979 through 982.

8. The present Application Serial No. 08/481169 was prepared for filing at about the time that changes to U.S. practice came into effect on or about June 8, 1995.

At that time associates of mine in the United States advised me in a newsletter that they would prefer to have inventors sign any continuation application as opposed to using Rules 37 CFR 1.60 or 37 CFR 1.62. Since the changes in practice affected many of my files, I decided to take that advice since it avoided risk.

9. An application was forwarded to the U.S. Patent Office dated June 7, 1995. At that time I did not have time to locate Mr. LeBlanc. However, I had been advised previously that Mr. LeBlanc had overcome his previous difficulties with Vas-Cath Incorporated and had in fact recently applied unsuccessfully for employment with Vas-Cath Incorporated.

10. There was every indication that Mr. LeBlanc would not refuse to sign the Combined Declaration and Power of Attorney.

11. After the application was filed, I instructed my secretary to contact Mr. LeBlanc so that the application, complete with Combined Declaration and Power of Attorney could be presented for signature. After some discussion, it was agreed that the application would be send to Mr. LeBlanc by mail and this was done with an accompanying letter dated October 20, 1995. A copy is attached as Schedule "A" to this my Declaration.


12. Attempts were made to remind Mr. LeBlanc by telephone and during one of these 'phone calls he advised my secretary that he had given the application to his

lawyer for advice.

13. On or about November 15th, I telephoned Mr. LeBlanc and discussed the matter with him. He advised me to the effect that Vas-Cath Incorporated had not been cooperative with him and it was now his turn to be awkward. I have no idea what this means, but the result was that he indicated to me categorically that he would not sign simply because he chose not to.

14. I am satisfied that the application was properly presented to Mr. LeBlanc for signature and I request that this application proceed in accordance with the provisions of Rule 1.47(a).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true: and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.

  
\_\_\_\_\_  
Christopher R. Scott

Date: November 30, 1995

# Rogers & Scott

PATENT AND TRADEMARK AGENTS

FILE COPY

Christopher R. Scott, B.Sc., P.Eng.  
Ingrid E. Schmidt, B.Eng., P.Eng.  
Robert F. Delbridge, B.Sc.

Consultant:

Stanley J. Rogers, B.Sc.

October 20, 1995

Mr. Michael R. LeBlanc  
2190 Utley Road  
Mississauga, Ontario  
L5J 1X1

Dear Mr. LeBlanc:

Re: US Continuation Application  
for Patent No. 5,195,962  
MULTIPLE LUMEN CATHETER  
Our Ref: 3200-3074/CON US

Further to our telephone conversation of October 20, 1995, please find enclosed a continuation application naming you as a joint inventor with Geoffrey S. Martin of Vas-Cath Inc. After reading the document, please sign and date the Combined Declaration and Power of Attorney form attached to the back of the application.

Thank you for your assistance. If you have any questions, please contact Chris Scott at 905-842-6690.

Yours very truly,

ROGERS & SCOTT

*Norma Phillips*  
Norma Phillips

/NP  
Enclosure

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*THIS IS SCHEDULE A to my DECLARATION*

*[Signature]*

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PAGE: 1

PATENT NUMBER: 5135599 ✓  
SERIAL NUMBER: 07/699421  
ASSIGNMENTS DIVISION OF SERIAL NUMBER 07288364  
RELATED PATENT NUMBERS: 5135599 5472417  
TITLE: METHOD OF MAKING TRIPLE LUMEN CATHETER  
APPLICANT: MARTIN, GEOFFREY S. ; LEBLANC, MICHAEL R.

REEL: 5256 FRAME: 0304 DATE RECORDED: 02/21/89 NUMBER OF PAGES: 002  
ASSIGNOR: MARTIN, GEOFFREY S.

EXC DATE: 02/21/89

ASSIGNEE: VAS-CATH INCORPORATED, 2380 TEDLO STREET, MISSISSAUGA, ONTAR  
IO, CANADA L5A 3V3

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ASSIGNOR: MARTIN, GEOFFREY S.

EXC DATE: 10/06/89

LEBLANC, MICHAEL R.

EXC DATE: 10/04/89

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PAGE: 1

PATENT NUMBER: 5472417 ✓  
SERIAL NUMBER: 08/205331  
ASSIGNMENTS CONTINUATION OF SERIAL NUMBER 07288364  
RELATED PATENT NUMBERS: 5135599 5472417  
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APPLICANT: MARTIN, GEOFFREY S. ; LE BLANC, MICHAEL R.

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